

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES KLEINBROOK,

Plaintiff,

v.

No. 1:24-cv-00894-SCY

RIO RANCHO POLICE DEPARTMENT,
FNU LNU, Chief of Rio Rancho Police Department,
UNIVERSITY OF NEW MEXICO MEDICAL HOSPITAL and
FNU LNU, Chief Executive Officer of UNM Medical Hospital,

DEFENDANTS.

ORDER REGARDING EMAILING DOCUMENTS FOR FILING

The Court ordered *pro se* Plaintiff show cause why the Court should not dismiss this case and to file an amended complaint by October 8, 2024. *See* Order to Show Cause at 9, Doc. 6, filed September 17, 2024. On October 8, Plaintiff emailed the form “Consent to Proceed/Refusal to Consent to Proceed Before a United States Magistrate Judge” and an Amended Complaint to the CM/ECF Help Desk. Plaintiff stated he was refused entry to the courthouse to file the Amended Complaint because he does not have a photo ID and that he “[is] not able to submit documents via PACER because Judge Yarbrough has not recognized my case as being filed.” The undersigned assures Plaintiff that the undersigned recognizes this case as being filed and is proceeding in accordance with the Federal and Local Rules of Civil Procedure and relevant statutory and case law. *See Oklahoma Radio Assoc. v. Federal Deposit Ins. Corp.*, 969 F.2d 940, 942 (10th Cir. 1992) (“the Federal Rules of Civil Procedure have the force and effect of a federal statute”); *United States v. Spedalieri*, 910 F.3d 707, 709 n.2 (10th Cir. 1990) (“A district court must follow the precedent of this circuit”).

The Clerk's Office does not accept documents for filing via email. Parties may file documents by: (i) using the Case Management/Electronic Case Files ("CM/ECF") electronic filing system; (ii) delivering the documents to the Clerk's Office; or (iii) mailing the documents to the Clerk's Office at the following address:

Pete V. Domenici United States Courthouse
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102.

See Guide for Pro Se Litigants at 13, District of New Mexico (October 2022) ("approval to electronically file documents within a case must be granted by the presiding judge for each case in which the *pro se* litigant wishes to file using their CM/ECF account"). Account registration forms, procedure manuals, and other information can be obtained at the Court's website at <http://www.nmd.uscourts.gov/filing-information>.

Plaintiff did not sign the Amended Complaint as required by Rule 11(a) of the Federal Rules of Civil Procedure.

Every pleading, written motion, and other paper must be signed by at least one attorney of record ... or by a party personally if the party is unrepresented ... The Court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

Fed. R. Civ. P. 11(a).

IT IS ORDERED that:

- (i) Plaintiff must file documents by delivering them to the Clerk's Office, by mailing them to the Clerk's Office or by filing a motion requesting permission to use CM/ECF. Documents submitted by email will not be filed.
- (ii) Plaintiff must comply with all Federal and Local Rules of Civil Procedure, including Rule 11(a) of the Federal Rules of Civil Procedure which requires Plaintiff to sign all documents he files.

- (iii) Plaintiff shall, within fourteen days of entry of this Order: (a) show cause why the Court should not dismiss this case; and (b) file an amended complaint. Failure to timely show cause and file an amended complaint may result in dismissal of this case.


UNITED STATES MAGISTRATE JUDGE